

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JUAN BANDA,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

CASE NO. 2D01-4694

Opinion filed December 21, 2001.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Pinellas County; Mark I. Shames,
Judge.

BLUE, Chief Judge.

Juan Banda timely appeals the summary denial of his motion for
postconviction relief, filed pursuant to Florida Rule of Criminal Procedure 3.850. Because
his claims either were or should have been raised on direct appeal, we affirm. See
Banda v. State, 536 So. 2d 221 (Fla. 1988) (rejecting claim of error in jury instruction); see

also Cook v. State, 792 So. 2d 1197, 1200-01 (Fla. 2001) (holding that admissibility of evidence and defendant's absence at critical stages were issues for direct appeal).

Affirmed.

CASANUEVA and STRINGER, JJ., Concur.